

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 59, 61-66, 68-73, and 75-83 are pending in the application, with claims 59, 66, 73, 81, 82, and 83 being the independent claims. No changes have been made to the claims.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 59, 61-66, 68-73, and 75-83 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Applicants respectfully traverse. The Examiner's basis for the rejection alleges, to which Applicants do not acquiesce, that the specification does not provide adequate written description for the claim feature "upload[ing] an additional control signal to the local device for directing an additional action in the primary functionality component," as recited in claim 59, and analogous claim language of claims 66, 73, and 81-83.

In the Response to Arguments section of the instant Office Action, the Examiner argues, to which Applicants do not acquiesce, that "[a] reasonable reading of the Specification, at ¶[0073], says, that in response to a spoken command, the remote system 12 recognizes the command and returns a single control signal corresponding to the command so as to control the primary functionality component at the local device."

Reply to Office Action of June 4, 2009

(Office Action, p. 11). The Examiner adds that “[t]his is different from downloading or uploading a new control signal to give the local device additional functionality that it did not have before.” (Office Action, p. 11).

The Examiner agrees that the Specification discloses “downloading data at ¶[0014]”, yet argues that the Specification “does not expressly say that downloading includes control signals.” (Office Action, p. 3). That “data” includes “control signals” is clearly described in paragraph [0073] of the Specification, which states, “***[d]ata received from remote system 12 can include*** that supporting audio and/or video output at a local device 14, and also ***control signals for controlling primary functionality component 19.***” (Specification at [0073]).

The Examiner appears to choose to read paragraph [0073] to mean only that “the remote system 12 recognizes the command and returns a single control signal corresponding to the command so as to control the primary functionality component at the local device.” (Office Action, p. 11). However, this is not the limited context in which paragraph [0073] is presented, instead describing the communications facilities of the transceiver, which “may transfer speech ***and other data*** to and from local device 14.” (Specification at [0073]).

Applicants agree that paragraph [0073] provides support for the feature the Examiner details, but it is not limited to providing support only for that feature. Paragraph [0073] informs the question of what a person skilled in the art would understand “data” to mean in the context of the specification. Data, as is clearly understood from paragraph [0073], includes “control signals for controlling primary functionality component 19.”

Paragraph [0014] discloses as a feature “providing the capability for *data to be downloaded from the remote system* to each of the local devices,” such that “the data already present in each local device can be updated, replaced, or supplemented as desired.” (Specification at [0014]). Paragraph [0073] clarifies that data which can be received from the remote system by the local device includes “control signals for controlling primary functionality component 19.”

Moreover, a reasonable reading of paragraph [0073] does not require that the “control signals for controlling primary functionality component 19” be immediately sent to the primary functionality component. A control signal which is first downloaded to the local device and subsequently transmitted to the primary functionality component can still be said to be “for controlling primary functionality component 19.”

The Examiner adds that “[i]t is maintained that one having ordinary skill in the art would understand that downloading keywords for a grammar or pre-recorded messages is something different than downloading a control signal for directing an additional action.” (Office Action, p. 3). The Examiner’s description of the level of skill and knowledge in the art is irrelevant to the discussion. Even assuming, *arguendo*, that one skilled in the relevant art would understand downloading keywords for a grammar or pre-recorded messages as something different than downloading a control signal for directing an additional action, one skilled in the relevant art would certainly understand that keywords, messages, and control signals are all forms of “data” wherever the term is used within the context of the specification based on a reasonable reading of paragraph [0073].

Applicants clearly provide sufficient written description to show possession at the time of filing of “the capability for *data* to be downloaded *from the remote system* to each of the local devices.” (Specification at [0014]). Applicants then clearly provide sufficient written description to show possession at the time of filing that the “[*d*]ata received *from the remote system* 12 can include ... control signals for controlling primary functionality component 19.” (Specification at [0073]).

The proper level of skill and knowledge in the art would enable a person skilled in the art to clearly understand that the download mechanisms in the specification apply to any form of data, which can include control signals. That the specification mentions by way of example the downloading of keywords for a grammar and pre-recorded messages at paragraphs [0070] and [0071] serves to illustrate embodiments of the invention. The Examiner improperly limits the scope of the invention to these example embodiments, where it is clear that Applicants did not intend to so limit the scope, stating that “the data already present in each local device can be updated, replaced, or supplemented as desired, *for example*, to modify the voice user interface capability (*e.g.*, speech recognition/output).” (Specification at [0014]).

Therefore it is clear that the specification provides ample written description for “upload[ing] an additional control signal to the local device for directing an additional action in the primary functionality component,” as recited in claim 59, and analogous claim language of claims 66, 73, and 81-83. Claims 61-65, 68-72, and 75-80 also comply with the written description requirement for at least the same reasons as claims 59, 66, and 73, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 59,

61-66, 68-73, and 75-83 under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 59, 61-63, 65, 66, 68-70, 72, 73, 75-77, and 79-83 under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent No. 5,774,859 to Houser et al. (“Houser”). Applicants respectfully traverse this rejection.

Claim 59 recites, *inter alia*, “upload[ing] an additional control signal to the local device for directing an additional action in the primary functionality component.” Applicants note that this claim feature is the basis of the Examiner’s rejection under 35 U.S.C. § 112, first paragraph, discussed above. The Examiner conflates the rejections by arguing, to which Applicants do not acquiesce, that (1) “only a vocabulary is disclosed to be downloaded by the Specification, and not the control signals”, and (2) that “[i]t is conceivable, then, that Applicants’ new, downloaded keywords for the grammar could have nothing to do with controlling the primary functionality component, but only relate to an acceptable syntax for requests to the remote system.” (Office Action, p. 14).

As the Examiner correctly notes, the “standard for an adequate written description is not the same as the standard for obviousness.” (Office Action, p. 14). Applicants seek to claim, *inter alia*, the feature of “upload[ing] an additional ***control signal*** to the local device for directing an additional action in the primary functionality component,” as recited in claim 59. Houser does not disclose at least this feature of claim 59 because it does not disclose uploading an additional control signal. If the Examiner wishes to rely on the second vocabulary of Houser as allegedly ***teaching or***

suggesting the control signal of claim 59, then the rejection should be made under 35 U.S.C. § 103, and adequate arguments in support of such a rejection should be made. However, the present rejection before Applicants as stated on page 14 of the Office Action attempts to give the term “control signal” the same meaning as the “second vocabulary” of Houser for the purposes of applying a rejection under 35 U.S.C. § 102(a). This interpretation is not supported, even if the Examiner maintains the line of argument that there is insufficient written description for this feature.

Applicants note that “[a] claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference.” (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Even if the Examiner maintains that there is no written description for a “control signal” as used in claim 59, he must base a rejection under 35 U.S.C. § 102(a) on the element “as set forth in the claim”.

Returning to page 13 of the Office Action, the Examiner argues that “[s]imply comparing the first *vocabulary* of “basic” controls disclosed by *Houser et al.* in Table I (Column 18, Lines 27 to 60) to the second *vocabulary* of controls at Table II (Column 24, Lines 1 to 34), one can see that there is additional functionality provided by the second vocabulary of Table II.” (Office Action, p. 13). Moreover, the Examiner cites to Houser stating “[a]n additional (sic - Houser reads “illustrative”), but non-limiting, vocabulary suitable for implementing this control includes the vocabulary of Table I above and the additional vocabulary of Table II below.” (Office Action, p. 13 (citing Houser, col. 24, ll. 1-3)).

The Examiner does not complete the thought as to how these sections of Houser disclose “upload[ing] an additional **control signal** to the local device for directing an additional action in the primary functionality component,” as recited in claim 59. Houser merely discusses transmitting vocabulary data, and not transmitting any “control signal[s] ... for directing an additional action in the primary functionality component,” as recited in claim 59. The Examiner appears to impermissibly read disclosure into Houser which is clearly not present, by assuming that vocabulary data in Houser must include the control signals of claim 59. (Office Action, p. 5). Houser only states that “[m]ore particularly, this second **vocabulary** permits a user to use spoken commands to implement basic television control, EPG control, VCR control, and event programming,” without ever stating or implying that the control signals for these devices and device features are ever themselves uploaded. (Houser, col. 23, ll. 47-50).

For at least the foregoing reasons, Houser does not disclose each and every feature of claim 59. Independent claims 66, 73, and 81-83 recite analogous features as claim 59, using respective language, and are also not anticipated by Houser for at least the same reasons as claim 59. Claims 61-63, 65, 68-70, 72, 75-77, 79, and 80 are also not anticipated by Houser for at least the same reasons as claim 59, 66, and 73, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 59, 61-63, 65, 66, 68-70, 72, 73, 75-77, and 79-83 under 35 U.S.C. § 102(a) be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 64, 71, and 78 under 35 U.S.C. § 103(a) as allegedly being obvious over Houser in view of U.S. Patent No. 6,282,268 to Hughes et al. (“Hughes”). Applicants respectfully traverse this rejection.

Claims 64, 71, and 78 depend from claims 59, 66, and 73, respectively. Houser does not teach or suggest each and every feature of claims 59, 66, and 73 for at least the reasons provided above. Hughes does not supply the missing teaching or suggestion. Accordingly, the combination of Houser and Hughes does not render claims 59, 66, and 73 obvious, and therefore cannot render claims 64, 71, and 78 obvious by virtue of their dependency. Accordingly, Applicants respectfully request that the rejection of claims 64, 71, and 78 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

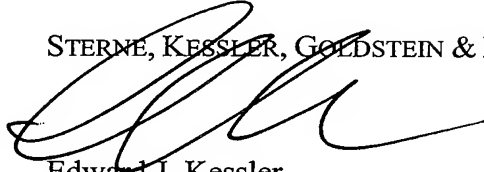
Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Reply to Office Action of June 4, 2009

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Respectfully submitted,

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A handwritten signature in black ink, appearing to be 'E. Kessler', written over the firm name.

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